

AIRSPACE CLOSURE

Practical advice to travellers affected by a closure of EU airports

Here you can find information and suggestions on how to proceed when your flight, included in your package holiday was cancelled.

1. I have booked a rental car and planned to pick it up at my destination airport. I was prevented from picking up the car (on time/at all) due to airspace closure — what can I do?

- Inform the car hire company as soon as is practicable, preferably in writing.
- Gather as many supporting documents as you can, to show why you cannot get to your destination airport as planned.
- If you have paid in advance, you **may** ask for a refund stating the exceptional circumstances. This will, however, depend on the specific contract terms and the law applicable to the contract.
- If you have not paid in advance, request in writing a cancellation of your car hire stating the exceptional circumstances (airspace closure). Conditions for cancellation will, however, depend on the specific contract terms and the law applicable to the contract.
- Check whether your insurance policy covers this situation.

If this is a separate contract, i.e. not package travel, there are no EU rules relating to cancellation in these circumstances. The legal consequences will, therefore, depend on the terms of the contract and the law applicable. Under EU rules, you are not entitled to a refund by the airline company.

2. What if I could not make my travel connections due to the cancellation of my flight and these services are not part of a package holiday?

- Report the problem immediately to the ferry/train/bus company, preferably in writing.
- Gather as many supporting documents as you can, to show why you can/could not get to your destination as planned
- If you have paid in advance, you **may** ask for a refund due to exceptional circumstances. This will, however, depend on the specific contract terms and the law applicable to the contract.
- If you have not paid in advance, request in writing a cancellation of your ferry/train/bus travel due to exceptional circumstances (airspace closure). This will, however, depend on the specific contract terms and the law applicable to the contract.
- Check whether your insurance policy covers this situation.

If this is a separate contract, i.e. not package travel, there are no EU rules relating to cancellation in these circumstances. The legal consequences will, therefore, depend on the terms of the relevant contract and the law applicable. Under EU rules, you are not entitled to compensation from the airline company.

3. I booked my package holiday which included air transport and accommodation in a hotel. My flight could not leave because of the airspace closure. Can I be reimbursed for the whole or for part of my package holiday?

(An example of a package holiday is one which you choose from a tour operator's brochure, and which includes a flight and a stay in a hotel. Your holiday does not count as a package holiday if you booked all the elements separately. For a full description of what counts as package travel, see Article 2 of the Directive: http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=Directive&an_doc=1990&nu_doc=314)

If you have not yet started travelling

You have the right to information from the air carrier or from the tour operator.

You are entitled to a full refund of the money paid (including the flight and the hotel). Alternatively, consumers may accept a substitute package if this is offered by the organiser.

You will not be able to claim compensation on top of the refund if your package holiday has to be cancelled due to exceptional circumstances ('*force majeure*'). The volcanic ash cloud should be considered as exceptional circumstances excluding the right to additional compensation.

If you are already at the holiday destination

You have the right to receive assistance from the organiser (or the travel agent), e.g. information on the situation as it evolves, cancellations and length of delays and communication facilities.

The organiser (or the travel agency) is also obliged to make suitable alternative arrangements, at no cost to you, for the continuation of the package, including alternative travel arrangements, e.g. a flight a few days later, and hotel accommodation. The organiser is, however, not liable for damages.

Please note that there are certain variations in the national laws transposing the Package Travel Directive. You are, therefore, advised to check also the relevant national provisions, contact a consumer organization or the European Consumer Centre in your country.

Please also note that travellers who have booked a package holiday which includes a flight have rights in relation to the relevant air carrier under the Air Passenger Rights Regulation (Regulation (EC) No 261/2004). You can find more information on your rights under this Regulation at http://ec.europa.eu/transport/passengers/air/air_en.htm

Advice: It is a good idea to keep all receipts for the costs incurred due to flight disruptions.

4. I booked a holiday home/hotel/boat independently. My flight could not leave because of the airspace closure. Am I entitled to a re-imbusement of the costs incurred for my booking?

- Report the problem immediately to the owner/hotel/company, preferably in writing.
- Gather as many supporting documents as you can, to show why you cannot get to your destination airport as planned.

- If you have paid in advance, you may ask for a refund due to exceptional circumstances. This will, however, depend on the specific contract terms and the law applicable to the contract.
- If you have not paid in advance, request in writing a cancellation of your rental due to exceptional circumstances (airspace closure). The conditions for cancellation will, however, depend on the specific contract terms and the law applicable to the contract.

Advice: It is a good idea to keep all receipts for the costs incurred due to flight disruptions.

If this is a separate contract, i.e. not package travel, there are no EU rules relating to cancellation in these circumstances. The legal consequences will, therefore, depend on the terms of the relevant contract and the law applicable. Under EU rules on air passenger rights, you are not entitled to compensation from the airline company.

5. I bought and paid in advance for a concert/opera ticket but I could not make it to the event because my flight was cancelled due to airspace closure. Can I claim a refund?

- Report the problem immediately to the company, preferably in writing.
- Gather as many supporting documents as you can, to show why you cannot get to your destination airport as planned.
- Request a refund on the basis of exceptional circumstances.

The conditions for cancellation will, however, depend on the specific contract terms and the law applicable to the contract. Under EU rules on air passenger rights, you are not entitled to compensation from the airline company.

6. I am an employee and I lost 2 days of work / I am a freelance consultant and I was supposed to deliver a speech to 400 people. Who will compensate me?

In an exceptional circumstance such as this, passengers are not entitled to financial compensation under EU rules.

7. I missed out on attending my sister's wedding because of the airspace closure. Is there any compensation for such cases or for missing any other kind of personal appointments (auction day, divorce, house purchase, etc.)?

In an exceptional circumstance such as this, passengers are not entitled to compensation for personal loss/detriment under EU rules.

Please note that you have also rights under specific EU legislation on air passengers. More information can be found at:

<http://ec.europa.eu/transport/passenger-rights/index.html>

Who can help me if my rights are not being respected? Contact the European Consumer Centre in your country for assistance: http://ec.europa.eu/consumers/ecc/contact_en.htm

Disclaimer:

"This document is intended to provide guidance and advice to consumers. A binding interpretation of Community law can however only be given by the European Court of Justice".